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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/717,228

11/19/2003

Giao Minh Pham

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7590

07/28/2005

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EXAMINER

LUU, AN T

ART UNIT

PAPER NUMBER

2816

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SM

Office Action Summary

Application No.

10/717,228

Applicant(s)

PHAM, GIAO MINH

Examiner

An T. Luu

Art Unit

2816

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-22 is/are allowed.
- 6) ☒ Claim(s) 1 and 6 is/are rejected.
- 7) ☒ Claim(s) 2-5 and 7-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4-8-05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's Amendment filed on 7-1-05 has been received and entered in the case. The rejections set forth in the previous Office Action are maintained as indicated below.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by the Pioppo et al reference (US Patent 6,194,935).

Pioppo discloses in figure 2 an apparatus comprising a capacitor 12 coupled to be alternately charged and discharged by first and second current sources (I1 and I2); a first voltage follower circuit including a first bipolar transistor 13 having a base coupled to the capacitor, the first bipolar transistor biased such that a voltage at an emitter of the first bipolar transistor follows a voltage on the capacitor; and a current mirror (transistors 14 and 15) having first and second current paths, the first current path coupled to the base of the first bipolar transistor (by way of OP AM 11), the first current path providing substantially all of a base current received by the base of the first bipolar transistor as required by claim 1.

As to claim 6, figure 2 also discloses a switch T3 coupled between the second current source and the capacitor, the switch coupled to be alternately opened and closed such that when the switch is opened, the first current source is coupled to charge the capacitor and when the switch is closed, the first and second current sources are coupled to discharge the capacitor.

Response to Arguments

3. Applicant's arguments filed 7-1-05 have been fully considered but they are not persuasive.

Applicant has argued that Pioppo does not disclose the limitation "*a first bipolar transistor having a base coupled to the capacitor*" and the limitation "*the first current path providing substantially all of a base current received by the base of the first bipolar transistor*" as required by claim 1.

Examiner respectfully disagrees with application's position since, in Pioppo, the base of transistor 13 is clearly coupled to the capacitor 12 via amplifier 11. Further, the term "substantially" is a relative term and it is broadly interpreted such that any portion of current can be seen as "substantially". Lastly, the input of an amplifier may not draw current in theory. However, voltage and current are co-existed on a conducting medium as long as there is resistivity in a conducting medium. Therefore, claims 1 and 6 still read on the Pioppo reference.

Allowable Subject Matter

4. Claims 13-22 are allowed.
5. Claims 2-5 and 7-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to disclose an apparatus comprising elements being configured as recited

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in claims. Specifically, none of the prior art teaches or fairly suggests, among other things, the following limitations:

- the base current received by the base of the first bipolar transistor includes substantially zero current received from the capacitor as required by claim 2.
- a second voltage follower circuit including a second bipolar transistor having a base coupled to the second current path, the second current path providing substantially all of a base current received by the base of the second bipolar transistor as required by claims 3, 13 and 18.
- the switch is coupled to be opened until the voltage on the capacitor is charged to a first threshold and wherein the switch is coupled to be closed until the voltage on the capacitor is discharged to a second threshold as required by claim 7.
- a comparator coupled to receive the voltage at the emitter of the first bipolar transistor, an output of the comparator coupled to control the switch as required by claim 8. And,
- an oscillating voltage provided on the capacitor as required by claims 9-12.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after


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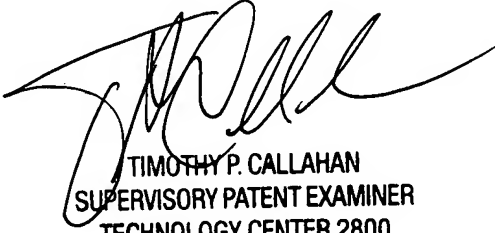
the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to An T. Luu whose telephone number is 571-272-1746. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy P. Callahan can be reached on 571-272-1740. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

An T. Luu
7-21-05 


TIMOTHY P. CALLAHAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800